

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**TERENCE D. WILLIAMS,**

**Defendant.**

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**CASE NO. 8:08CR291**

**MEMORANDUM  
AND ORDER**

This matter is before the Court on the Report and Recommendation (Filing No. 35) issued by Magistrate Judge F.A. Gossett recommending denial of the Defendant's motion to suppress (Filing No. 16). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrImR 57.3(a).

The Defendant seeks an order suppressing evidence recovered and statements made as a result of a May 4, 2008, traffic stop and search warrant execution. Judge Gossett issued oral findings of fact and conclusions of law. (Filing No. 36 ("Tr.", at 90-108.)) He concluded:

- the affidavit offered in support of the search warrant application contained sufficient probable cause for issuance of the search warrant and, if probable cause did not exist the *Leon* good faith exception would apply;
- reasonable suspicion existed for the traffic stop; probable cause supported the Defendant's detention;
- the vehicle search was lawful and, in any event, the inevitable discovery doctrine applies;
- the Defendant's statement made at the scene of the traffic stop need not be addressed because the government stated that it would not use any of the Defendant's statements made at the scene;

- the Defendant's statements made at the North Assembly need not be suppressed because there he was advised of his *Miranda* warnings and the statements were voluntarily made;
- the Defendant's statement made at his residence need not be suppressed because it was voluntary; and
- the Defendant's statements made at Central police headquarters need not be suppressed because the Defendant was still Mirandized and no evidence exists showing that his statements were involuntarily made.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. The Court has read the parties' briefs (Filing Nos. 17, 26) and the transcript (Filing No. 36). The Court has also viewed the evidence. (Filing No. 31.) Because Judge Gossett fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 35) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 16) is denied.

DATED this 13<sup>th</sup> day of November, 2008.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge